

REMARKS

This application has been carefully reviewed in light of the final Office Action dated December 12, 2008. Claims 19-21 and 26-37 have been cancelled, without prejudice or disclaimer of subject matter. Claims 1 and 38 have been amended and claims 39-47 have been added. Claims 1, 7-13, 15, and 38-47 remain in the application, of which claims 1, 38, and 47 are the independent claims. Reconsideration and further examination are respectfully requested.

Interview Summary

Initially, Applicants' undersigned representative thanks Examiner Pond for the thoughtful courtesies and kind treatment afforded during the telephone interview conducted on February 4, 2009. During the interview, Examiner Pond and Applicants' representative discussed amended independent claim 1 with respect to the cited references. Examiner Pond indicated that the amendments to independent claim 1 would appear to advance prosecution, although further consideration and search are required. This reply reflects the substance of the interview.

Rejections

Of the pending claims, claims 1, 7 to 12, 15, and 38 were rejected under 35 U.S.C. § 103 over U.S. Patent Application Publication No. 2003/0033205 ("Nowers") in view of U.S. Patent Application Publication No. 2002/0099678 ("Albright") and U.S. Patent No. 5,946,662 ("Ettl"), and claim 13 was rejected under 35 U.S.C. § 103 over Nowers, Albright, and Ettl in further view of "Amazon.com Auctions Helps Online Sellers Become Effective Mailcenters," PR Newswire, 18 Aug 1999. Based on the following remarks and the discussion in the telephone interview of February 4, 2009, withdrawal of the rejections and further examination are respectfully requested.

Referring to particular claim language, independent claim 1, as amended, recites a method comprising, inter alia, receiving, at a connection provider computer system from a seller's computer system, information describing one or more items for sale by the seller and determining, using the connection provider computer system, parameters related to preparation

activities needed to ready the one or more items for fulfillment of a sale and storage and handling requirements indicating characteristics that a fulfillment center needs to possess in order to properly store and handle the one or more items. The determined parameters are different than the information describing the one or more items for sale by the seller and are determined without the seller providing parameter information for the one or more items being sold. The connection provider computer system is used to select, from among multiple potential fulfillment centers based on the determined parameters related to preparation activities and storage and handling requirements, one or more fulfillment centers tailored to fulfilling orders of items having properties in common with the one or more items. The connection provider computer system is operated by a connection provider that is a separate legal entity from the seller and from entities operating multiple potential online sales channels.

Independent claims 38 and 47, although different in scope from claim 1 and each other, recite features similar to those discussed above with respect to independent claim 1.

The applied references are not seen to disclose, teach or suggest the foregoing features recited by the independent claims. In particular, as discussed in the telephone interview of February 4, 2009, each of Nowers, Albright, Ettl, and a proper combination of the references, fails to disclose at least determining parameters related to preparation activities needed to ready the one or more items for fulfillment of a sale and storage and handling requirements indicating characteristics that a fulfillment center needs to possess in order to properly store and handle the one or more items, where the determined parameters (1) are different than information received from the seller describing the one or more items and (2) are determined without the seller providing parameter information for the one or more items being sold.

In particular, the Office Action appears to rely on Ettl for features related to selection of one or more fulfillment centers tailored to fulfilling orders of items by indicating that "Nowers and Albright do not mention using the connection provider computer system to select, from among multiple potential fulfillment centers based on the information describing the one or more items for sale by the seller, one or more fulfillment centers tailored to fulfilling orders of items having properties in common with the one or more items." Office Action of December 12, 2008

at page 6. Ettl, however, is not seen to disclose determining parameters related to preparation activities needed to ready the one or more items for fulfillment of a sale and storage and handling requirements indicating characteristics that a fulfillment center needs to possess in order to properly store and handle the one or more items, where the determined parameters (1) are different than information received from the seller describing the one or more items and (2) are determined without the seller providing parameter information for the one or more items being sold, as recited in amended independent claim 1. Specifically, Ettl is directed to inventory optimization in a supply chain and describes a system that models a supply chain to assess total required inventory needed to meet different service level specifications. See Ettl at Abstract and col. 2, line 29 through col. 3, line 10. In modeling the supply chain and assessing inventory levels, the Ettl system does not determine parameters related to preparation activities and storage and handling requirements for one or more items for sale by a seller, much less do so without the seller providing parameter information for the one or more items being sold. Rather, the Ettl system analyzes inventory levels of prepared products offered to consumers through a supply chain associated with a supplier. Thus, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claims 1, 38, and 47 and submit that amended independent claims 1, 38, and 47 are allowable.

The other rejected claims and new claims in the application are each dependent on these independent claims and are thus believed to be allowable over the applied references for at least the same reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

All of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the reference, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or

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cancellation. Since the amendments made herein have been made solely in an effort to expedite advancement of this case, the Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

No other matters being raised, it is believed that the entire application is fully in condition for allowance and such action is courteously solicited.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 12, 2009

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